

SAMPLE CIVIL FORM 92

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

**NOTICE OF RIGHT TO CLAIM
EXEMPTION FROM EXECUTION**

The writ of execution delivered to you along with this Notice means that certain property belonging to you may be taken from you and sold to collect a court judgment against you.

However, the law gives you the right, under certain circumstances, to claim your property as “exempt” to keep it from being sold to collect certain kinds of court judgments. For example, you may be able to claim your “homestead exemption” to keep your home from being sold, or at least to keep a certain portion of the money from the sale.

You may also be able to keep up to \$7,500.00 in personal property, including motor vehicles and household furniture and appliances, by claiming this property as exempt.

These examples are for purposes of illustration only. Whether you will be entitled to claim any exemption from the writ of execution, and if so, what property may be exempt, will be determined by the facts in your particular case. IF YOU ARE UNCERTAIN AS TO YOUR EXEMPTION RIGHTS, YOU SHOULD CONSULT A LAWYER FOR ADVICE.

TO CLAIM ANY EXEMPTION THAT MAY BE AVAILABLE TO YOU, YOU MUST PREPARE A “CLAIM OF EXEMPTION” FORM BEFORE YOUR PROPERTY IS SOLD, LISTING ON IT THE PROPERTY UNDER LEVY OR SEIZURE, OR ANY PART THEREOF YOU CLAIM AS EXEMPT, AND, IF OF A PART, DESCRIBING THE PART IN DETAIL. YOU MUST ALSO STATE APPROXIMATELY WHAT YOU THINK EACH ITEM IS WORTH, AND HOW MUCH (IF ANYTHING) YOU STILL OWE ON EACH SUCH ITEM. YOU MUST THEN HAVE THE CLAIM OF EXEMPTION NOTARIZED AND FILE IT IN THE SHERIFF'S OFFICE. YOU MUST ALSO FILE A COPY OF THE CLAIM OF EXEMPTION WITH THE CLERK OF THE COURT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE YOU SHOULD SEE A LAWYER.

If you file a claim of exemption, the party who has a judgment against you will have approximately ten (10) days from receipt of a copy thereof to file a “contest” of your claim of exemption. If a contest is filed, a court hearing will be scheduled and you will be notified of the time and place of the hearing. If the party who has a judgment against you does not file a contest, the property claimed by you as exempt will be released from the execution.

If you do not file a claim of exemption, your property may be sold or turned over to the party who has a judgment against you to help satisfy a judgment against you.

TO PROTECT YOUR RIGHTS, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.

Clerk of Court

Note from the reporter of decisions: The order amending Rule 64A and Form 92, effective April 7, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.